

IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO

CHRISTOPHER COLEMAN,	:	APPEAL NO. C-100250
	:	TRIAL NO. 10CV-2008
Plaintiff-Appellant,	:	
vs.	:	<i>JUDGMENT ENTRY.</i>
MIKE RANKIN, BUREAU OF MOTOR	:	
VEHICLES,	:	
Defendant-Appellee.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court.¹

{¶1} Plaintiff-appellant Christopher Coleman sought to renew his expired Ohio driver’s license in October 2009. Defendant-appellee Mike Rankin, Bureau of Motor Vehicles, (“the BMV”) denied Coleman’s application to renew his Ohio license because his Illinois driver’s license had been revoked for life. Under Section 6-208(b)4 of the Illinois Vehicle Code, Coleman was prohibited from applying for an Illinois driver’s license for the remainder of his life because on or after January 1, 1999, Coleman had received his fourth conviction, either in Illinois or another state, for driving under the influence of alcohol or drugs (“DUI convictions”).

{¶2} Under R.C. 4507.08(D)(5), because of the BMV’s denial of his application, Coleman petitioned the Hamilton County Municipal Court, in January 2010, to renew his Ohio driver’s license. The trial court held a hearing at which

¹ See S.Ct.R.Rep.Op. 3(A), App.R. 11.1(E), and Loc.R. 11.1.1.

Coleman testified that he currently had six DUI convictions, the most recent having been in the state of Pennsylvania on January 30, 2007. The trial court denied the petition, indicating that it was not “willing to take a risk on Mr. Coleman.”

Coleman now appeals that judgment, asserting in a single assignment of error that the trial court erred in denying Coleman’s petition to renew his Ohio license. We are unpersuaded.

R.C. 4507.08(D) provides in part that the BMV shall not issue a driver’s license to “any person making an application whose driver’s license or driving privileges are under cancellation, revocation, or suspension in the jurisdiction where issued or any other jurisdiction, until the expiration of one year after the license was canceled or revoked or until the period of suspension ends. Any person whose application is denied under this division may file a petition in the municipal court * * * [where] the person resides * * * alleging that the conduct involved in the offense that resulted in suspension, cancellation, or revocation in the foreign jurisdiction would not have resulted in a suspension, cancellation, or revocation had the offense occurred in this state.”

Although Coleman and the state focused their arguments in the trial court on whether the four DUI convictions would have led to a mandatory revocation of his driving privileges for life in Ohio as well as in Illinois, we need not address that argument. Coleman has admitted in his appellate brief, just as he did in the trial court, that his most recent DUI conviction was in Pennsylvania on January 30, 2007, and that, as a result, the state of Pennsylvania suspended his driver’s license for three years. Therefore, when Coleman applied to renew his Ohio driver’s license in October 2009, his driver’s license was still under suspension by the state of Pennsylvania. Thus, under R.C. 4507.08(D), the BMV was prohibited from issuing a driver’s license to Coleman because his period of suspension had not ended. Further, at the time Coleman petitioned the trial court to renew his Ohio license, his

suspension in Pennsylvania had not been lifted. Coleman has stated in his appellate brief that his driving privileges were not reinstated until February 2010. And despite the fact that Coleman's license was suspended by the state of Pennsylvania when he petitioned the trial court to renew his Ohio driver's license, he did not demonstrate, on the record before us, that his conduct leading to that suspension would not have resulted in a suspension had the offense occurred in Ohio. Thus, under R.C. 4507.08(D), Coleman was not entitled to renew his Ohio license at the time he petitioned the trial court.

Based on the foregoing circumstances, we hold that the trial court did not err by denying Coleman's petition to renew his Ohio driver's license. The single assignment of error is overruled, and the judgment of the trial court is affirmed.

A certified copy of this judgment entry is the mandate, which shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

HILDEBRANDT, P.J., SUNDERMANN and CUNNINGHAM, JJ.

To the Clerk:

Enter upon the Journal of the Court on May 20, 2011

per order of the Court _____.
Presiding Judge